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November 2, 2023

The Hon. Kimba M. Wood
United States District Court Judge
U.S. District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007
VIA ECF

MEMO ENDORSED

RE: *U.S. v. Abreu, et al.*, 19 Cr. 821 (KMW)

Dear Judge Wood,

Pursuant to the Criminal Justice Act, I represented Neury Abreu in connection with the above-captioned matter. On November 17, 2021, Your Honor sentenced Mr. Abreu to 84 months in prison, and he is currently serving that sentence at FCI Schuylkill in Pennsylvania.

Pursuant to Standing Order M10-468, dated October 31, 2023, I write now to request leave of the Court for permission to investigate and pursue a motion for re-sentencing for my client pursuant to Amendment 821 of the United States Sentencing Guidelines. My client appears to have a potentially meritorious motion, in that at the time of his sentencing, he had five criminal history points (placing him in Criminal History Category III), with two of those points attributable to the fact that he was under a criminal justice sentence (parole) at the time of his instant offense. Without those two criminal history points – added pursuant to the old U.S.S.G. Section 4A1.1(d) – my client would have only had three criminal history points and would have been classified as Criminal History Category II. Of course, Amendment 821 permits retroactive application of this new method of calculating “status points” under 4A1.1(d).

My client has asked me to make this application on his behalf.

Sincerely,

_____/s/____

Matthew Galluzzo, Esq.

CC:
AUSAs Celia Cohen and Jacob Warren
VIA ECF

Mr. Galluzzo's request to resume his appointment as counsel to investigate and pursue a motion pursuant to Amendment 821 is GRANTED.

SO ORDERED.

**DATED: NEW YORK, NY
December 22, 2023**

**/s/ Kimba M. Wood
KIMBA M. WOOD
UNITED STATES DISTRICT JUDGE**